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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAPILLO, KRISTINE K

ART UNIT	PAPER NUMBER
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3626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/680,597	Applicant(s) DUNN ET AL.	
	Examiner KRISTINE K. RAPILLO	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4/11/2008 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claims 35 – 52 are pending. The Applicant elected claims 35 – 52 from an election/restriction of claims 1 – 52.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because the following reference characters have both been used to designate the same part:

Figure 4: 460 (drawing) and 470 (paragraph [0051] of specification) - Mail Resource Guide to Individual; 460 (paragraph [0051] of specification) and 470 (drawing) – Update Status to Program Director.

Figure 8: 810 and 830 – Telephone Network.

Figure 9: 935 (drawing) and 940 (paragraph [0068] of specification) - Retirement Coordinator; 935 (paragraph [0068] of specification) and 940 (drawing) - Volunteer Coordinator.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because in Figure 7 (according to the specification) reference character 710 is to be connected to reference character 810.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 810 (Figure 7) and 830 (Figure 8).

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 430 (Figure 4) and 858 (Figure 8).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant uses the term “system” and “program” in the limitation, which is typically referred to as a computer system and software respectively. The terms “system” and “program” used in the limitation are not clearly defined in the specification. The Examiner has interpreted “system” to refer to a computer system and “program” to refer to software.

In addition, the limitation “mailbox address to mailbox address” is unclear. The Examiner has interpreted the phrase to mean a physical mailbox address.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 35 – 37 and 39 – 52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is directed to non-Statutory subject matter in that it is an abstract idea. There are three elements to the system disclosed claimed - a local network (group of individuals) within a business environment, a community network (group of individuals) outside a business environment, and an electronic mailbox which is a software program. None of the elements claimed are directed to statutory matter.

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Claims 36 – 37 and 39 - 42 fail to cure the deficiencies of claim 35, and are thereby rejected using the same rationale.

Claim 43 is directed to a non-statutory subject matter because the software (component) claimed is not embodied on a computer readable media. A component is well known in the art to be considered another term for software. The component does not cause a functional change in the computer, thus, claim 43 is rejected under 35 U.S.C. 101.

Claims 44 – 52 fail to cure the deficiencies of claim 43, and are thereby rejected using the same rationale.

NOTE: The following art rejections assume that the subject matter of claims 35 – 37 and 39 - 52 will be amended to recite statutory subject matter. The art rejections are provided herein below for the Applicant's consideration on the condition that the Applicant properly incorporates concrete and tangible elements as discussed above in the rejections under 35 U.S.C. 101 in the next communication sent in response to the present Office Action.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 35 – 38, 42 – 45, 47 – 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al., herein after Douglas (U.S. Patent Number 6,039,688).

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In regard to claim 35, Douglas teaches a system for implementing a program that provides assistance in managing a medical treatment within a business environment, comprising:

- a local information network provided within the business environment to disseminate information from the program to an active member of the business environment (column 8, lines 1 – 5 and column 2, lines 9 – 22), wherein the information includes a description of services provided by the program, a request for support from active members, and a mailbox address (Figures 16 – 20; column 2, lines 48 – 64 and column 6, lines 2 – 6);
- a community network provided outside-the business environment to disseminate additional information from the program to a person that is not an active member of the business environment, wherein the additional information includes the description of services provided by the program, a request for support from persons that are not active members, and a mailbox address to a mailbox address (Figures 16 – 20; column 2, lines 48 – 64 and column 5, lines 56 – 59); and
- an electronic mailbox to store messages from persons that are attempting to contact a representative of the program at the mailbox address (Figures 16 – 20 and 37).

Douglas does not explicitly teach “support from persons that are not active members.” However, it is obvious to one of ordinary skill in the art at the time the invention was made that if a local network can be instituted for an active member in the business environment, a network or support group can be instituted for those who are not active members of a business environment by providing a system in which a non-member (i.e. family member of patient) may be allowed access to a support group (column 5, lines 45 – 59).

In regard to claim 36, Douglas teaches the system of claim 35, wherein the electronic mailbox is a voice mailbox (Figure 47).

In regard to claim 37, Douglas teaches the system of claim 35, wherein the electronic mailbox is an email mailbox (Figure 47).

In regard to claim 38, Douglas teaches the system of claim 35, further comprising: an Internet server to store a web site for the program, wherein the web site contains a description of services performed by the program that is tailored towards a group of persons from whom the program is interested in obtaining support (Figure 59 and column 5, lines 45 – 59).

In regard to claim 41, Douglas teaches the system of claim 35, wherein the local information network comprises: a private messaging network that is utilized by the active members (column 13, lines 9 – 13).

In regard to claim 42, Douglas teaches the system of claim 35, wherein the local information network comprises: a video monitoring system to display video information to the active members (column 12, lines 8 – 32 and column 21, lines 54 – 65).

In regard to claim 43, Douglas teaches a system for implementing a program that provides assistance in managing a medical treatment within a business environment, comprising:

- a general assistance component to disseminate unsolicited information to members of the business environment (Figure 32 and column 8, lines 29 – 36);
- a special assistance component to provide requested assistance to members of the business environment (column 8, lines 63 – 65);
- a management component to oversee operations of the program (Figure 1 and column 20, lines 6 – 9);
- a maintenance component to provide continual support services to the program (column 5, lines 28 – 44) where the maintenance is provided by the system by electronically assisting physicians or caregivers in monitoring a patients wellness;
- an information network to propagate communication from the program throughout the business environment (column 8, lines 1 – 5); and

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- a mailbox to receive communication directed to the program from members of the business environment (Figures 16—20 and 37).

Douglas does not explicitly teach “component.” However, it is obvious to one of ordinary skill in the art at the time the invention was made that the various subjects (i.e. schedule, journal, mail) are “components” of the overall system disclosed by Douglas and would each be a separate component or module of the system (Figure 9).

In regard to claim 44, Douglas teaches the system of claim 43, wherein the management component and maintenance component comprises members from the business environment (column 5, lines 28 – 44).

In regard to claim 45, Douglas teaches the system of claim 44, wherein the management component and maintenance component further comprise members from outside the business environment (column 5, lines 28 – 44).

In regard to claim 47, Douglas teaches the system of claim 43, wherein the maintenance component and special assistance component further comprise a plurality of subcomponents, each respective subcomponent assigned to perform a respective task (column 5, lines 52 – 59) where the different subcomponents (i.e. diet, exercise, stress management) perform related, but different functions..

In regard to claim 48, Douglas teaches the system of claim 47, wherein the plurality of subcomponents comprise:

- a first subcomponent that obtains current information that is to be included in a resource guide of medical information (column 16, lines 26 – 34);
- a second subcomponent that assembles the resource guide of medical information (column 14, lines 23 – 37; column 15, lines 1 – 4; and column 16, lines 35 - 44);

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- a third subcomponent that assures that information contained in the resource guide is current (column 14, lines 23 – 37; column 15, lines 1 – 4; and column 16, lines 35 - 44); and
- a fourth subcomponent that provides personal assistance to eligible persons (column 5, line 65 through column 6, line 6).

In regard to claim 49, Douglas teaches the system of claim 47, wherein the management component comprises a respective leader of each respective subcomponent (column 11, lines 51 – 60).

In regard to claim 50, Douglas teaches the system of claim 47, wherein the management component comprises at least one leader of a respective subcomponent that has survived a medical condition to which the respective subcomponent supports (column 11, lines 3 – 60). Douglas does not explicitly teach the leader has the same medical condition as the members of the support group however it would be obvious to include a leader, facilitator, or instructor of a support group with the same medical condition as the patients.

In regard to claim 52, Douglas teaches the system of claim 43, further comprising: a database to store a record of the tasks that are performed by components of the program and the current organizational structure of the program (Figure 1 and column 9, lines 23 – 28).

11. Claims 39 – 40, 46, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas as applied to claims 38 and 43 above, and further in view of Ziarno (U.S. Patent Number 5,665,952).

In regard to claim 39, Douglas teaches the system of claim 38. Douglas fails to teach a system wherein the support comprises volunteer services.

Ziarno teaches a system wherein the support comprises volunteer services (column 3, lines 16 – 30 and column 45, line 61 through column 46, line 28).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein the support comprises volunteer services as taught by Ziarno, within the system of Douglas, with the motivation of streamlining a process to procure monetary commitments for the benefit of a group, including medical support groups (column 8, lines 61 – 64 and column 70, lines 31 – 48)

In regard to claim 40, Douglas teaches the system of claim 38. Douglas fails to teach a system wherein the support comprises a monetary gift.

Ziarno teaches a system wherein the support comprises a monetary gift (column 29, lines 15 - 19).

The motivation to combine the teachings of Douglas and Ziarno is discussed in the rejection of claim 39, and incorporated herein.

In regard to claim 46, Douglas teaches the system of claim 43, wherein the information network further communicates with members of the business environment who are eligible to receive assistance from the program (column 2, lines 9 - 64).

Douglas fails to teach a system wherein the information network further communicates with retired members.

Ziarno teaches a system wherein the information network further communicates with retired members (column 85, line 53 through column 86, line 11). Ziarno teaches a system where retirees can be members (or volunteers) of an organization, thus, it would be obvious that if a retiree can be a board member of an organization, he/she should also be eligible to participate in the support program.

The motivation to combine the teachings of Douglas and Ziarno is discussed in the rejection of claim 39, and incorporated herein.

In regard to claim 51, Douglas teaches the system of claim 43 wherein the management component comprises a training coordinator in charge of instructing the support staff (column 11, lines 51

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– 60) where the chairperson is interpreted to be an individual who has been train or is capable of training staff and members in regard to the appropriate counseling and a representative from another program that works in collaboration with the present program (Figures 33 and 34). Douglas fails to teach a volunteer coordinator in charge of managing volunteers;

Ziarno teaches a system wherein the management component comprises a volunteer coordinator in charge of managing volunteers (column 3, lines 16 – 30, and column 45, line 61 through column 46, line 28).

The motivation to combine the teachings of Douglas and Ziarno is discussed in the rejection of claim 39, and incorporated herein.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fields et al. (U.S. Publication Number 2002/0116221 A1) teaches a chronic illness treatment system and method which provides a community based support service to patients and their caregivers. Worthen (U.S. Publication Number 2003/0182371 A1) teaches a leader facilitated networked communication system in which a community can connect using a website and internet browser software which allows members to post and receive messages via a message board. Harnsberger et al. (U.S. Publication Number 2004/0107118 A1) teaches an electronic clinical reference and education system and method of use where medical diagnosis information is gathered and stored, then distributed via online methods to members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/
Primary Examiner, Art Unit 3626